UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,400	09/11/2003	Song-Rac Cho	P-0530	3763

34610 7590 07/16/2007

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	**PAPER NUMBER**
2617	
MAIL DATE	**DELIVERY MODE**
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/659,400	CHO, SONG-RAE	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 26-42, 47-49,** are rejected under 35 U.S.C. 102(e) as being anticipated by Mittal et al. (US Publication 2003/0143977 A1).

Regarding claim 26, Mittal teaches a method of performance upgrading for a receiving terminal, comprising:

generating information related to at least one parameter for the performance upgrading within the receiving terminal, wherein the information is included in a message of a messaging service for the receiving terminal (0010);

transmitting the message using the messaging service to the receiving terminal to allow the receiving terminal to upgrade its performance by changing at least one corresponding parameter stored within the receiving terminal using the message transmitted to the receiving terminal (0008, 0024).

Regarding claim 27, Mittal teaches a method of claim 26, wherein the information includes a value used for certifying the performance upgrading within the receiving terminal (0010).

Regarding claim 28, Mittal teaches a method of claim 27, wherein the value is at least one of a password, key value, and a security code (0048).

Regarding claim 29, Mittal teaches a method of claim 27, wherein the value is pre-set in each terminal (0047).

Regarding claim 30, Mittal teaches a method of claim 27, wherein the at least one corresponding parameter is changed when the value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a receiving user (0008, 0024).

Regarding claim 31, Mittal teaches a method of claim 27, wherein the message of the messaging service is discarded when the value included in the information is not identical to a previously stored value within the receiving terminal or a value inputted by a receiving user (0008, 0024).

Regarding claim 32, Mittal teaches a method of claim 26, wherein the at least one parameter is used for a software upgrading within the receiving terminal (0010).

Regarding claim 33, Mittal teaches a method of claim 26, wherein the messaging service is at least one of a short message service (SMS) messaging service, an enhanced message service (EMS) messaging service, an instant message service (IMS) messaging service, and a multimedia message service (MMS) messaging service (0045).

Regarding claim 34, Mittal teaches a method of claim 26, wherein the value is used for certifying a sender of the message (0048).

Regarding claim 35, Mittal teaches a method of claim 26, wherein the information is included in a certain field of the message (0045).

Regarding claim 36, Mittal teaches a method of performance upgrading for a receiving

terminal, comprising:

receiving a message of a messaging service via a network, wherein the message of the messaging service includes information related to at least one parameter for the performance upgrading within the receiving terminal (0010, 0045);

storing the received message; and upgrading a performance of the receiving terminal by changing at least one corresponding parameter stored within the receiving terminal using the received message of the messaging service (0008, 0024).

Regarding claim 37, Mittal teaches a method of claim 36, further comprising:

by a sending terminal before receiving the message (0010) :

forming the message by inputting a performance controlling parameter to be changed into a performance controlling parameter field of the message and by inputting a key value corresponding to the mobile terminal to a performance controlling key value field of the message (0048); and

transmitting the formed message to the receiving terminal (0045-0049).

Regarding claim 38, Mittal teaches a method of claim 36, wherein the information includes a value used for certifying the performance upgrading within the receiving terminal (0010).

Regarding claim 39, Mittal teaches a method of claim 38, wherein upgrading the performance comprises:

comparing the value with a previously stored value in a memory to change the at least one corresponding parameter stored within the receiving terminal (0008, 0024).

Regarding claim 40, Mittal teaches a method of claim 38, wherein the performance of the receiving terminal is upgraded when the value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a receiving user (0008, 0024, 0048).

Regarding claim 41, Mittal teaches a method of claim 38, wherein the received message is discarded when the value included in the information is not identical to a previously stored value within the receiving terminal or a value inputted by a receiving user (0024, 0048).

Regarding claim 42, Mittal teaches a method of claim 38, wherein the information is included in a certain field of the message (0045).

Regarding claim 47, Mittal teaches a mobile communication apparatus, comprising:
a transceiver to transmit and receive data (0010);
a memory to store the data from the transceiver or from an external source (0008, 0024); and
a processor cooperating with the transceiver and the memory to perform (0024):
receiving a message of a messaging service via a network, wherein the message of the

messaging service includes information related to at least one parameter for the performance upgrading within a receiving terminal, storing the received message in the memory (0024), and upgrading a performance of the receiving terminal by changing at least one corresponding parameter stored within the receiving terminal using the received message of the messaging service (0046-0049).

Regarding claim 48, Mittal teaches a method for terminal, comprising:
forming a message telecommunication terminal (0040); and
changing a parameter of a mobile telecommunication including a parameter to be changed in a mobile transmitting the message having a key value to change a pre-stored parameter that controls a performance of the mobile telecommunication terminal, wherein the key value is used for a certification of a sender of the message and the pre-stored parameter of the mobile telecommunication terminal is changed when the key value contained in the message telecommunication terminal (0024, 0039, 0040, 0041, 0043).

Regarding claim 49, Mittal teaches a method for changing a performance controlling parameter of a mobile telecommunication terminal, comprising:
receiving a message from a network, wherein the message includes a key value of a mobile telecommunication terminal and a new performance controlling parameter of the mobile telecommunication terminal to be changed, wherein the key value is used to certify a sender of the message (0039-0049);

storing the key value and the new performance controlling parameter in a memory (0008, 0024);

replacing a previously stored performance controlling parameter with the new performance controlling parameter if a certain condition is met (0024); and

controlling a performance of the mobile telecommunication terminal based on the new performance controlling parameter (0010, 0024).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 43-46**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al. (US Publication 2003/0143977 A1) in view of Qu et al. (US Publication 2004/0203615 A1).

Regarding claim 43, Mittal fails teach a method of claim 42, wherein the certain field comprises:

a first sub-field configured to contain a performance controlling parameter to be

a second sub-field to denote a kind of codes inputted to the first sub-field. However, Qu teaches a method of claim 42, wherein the certain field comprises:

a first sub-field configured to contain a performance controlling parameter to be a second sub-field to denote a kind of codes inputted to the first sub-field (0057). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Qu with Mittal, in order to provide user-selected filtering criteria allow for filtering of broadcast messages based on service category, language, priority.

Regarding claim 44, Mittal fails teach a method of claim 43, wherein a sub-parameter of the first sub-field a performance controlling key value field where the value is inputted; and a performance controlling parameter field where the performance controlling parameter value to be changed is inputted. However, Qu teaches a method of claim 43, wherein a sub-parameter of the first sub-field a performance controlling key value field where the value is inputted; and a performance controlling parameter field where the performance controlling parameter value to be changed is inputted (0057). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Qu with Mittal, in order to provide user-selected filtering criteria allow for filtering of broadcast messages based on service category, language, priority.

Regarding claim 45, Mittal fails teach a method of claim 43, wherein the first sub-field is inputted by an octet. However, Qu teaches a method of claim 43, wherein the first sub-field is inputted by an octet (0057-0062). Therefore, it would have been obvious to

ordinary skill in the art at the time the invention was made to combine the above teaching of Qu with Mittal, in order to provide user-selected filtering criteria allow for filtering of broadcast messages based on service category, language, priority.

Regarding claim 46, Mittal fails teach a method of claim 43, wherein a prescribed byte notifies a change of the performance controlling parameter is inputted in a first octet of the first sub-field and a change value for the performance controlling parameter is inputted to a second octet. However, Qu teaches a method of claim 43, wherein a prescribed byte notifies a change of the performance controlling parameter is inputted in a first octet of the first sub-field and a change value for the performance controlling parameter is inputted to a second octet (0057-0062). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Qu with Mittal, in order to provide user-selected filtering criteria allow for filtering of broadcast messages based on service category, language, priority.

Response to Arguments

4. Applicant's arguments with respect to claims 26-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **Any responses to this action should be mailed to:**

Any in concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have Questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 6, 2007

NAGHMEH MEHRPOUR
PRIMARY EXAMINER